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3 JOHN B. SPEAR, an individual)
4 Counter Claimant)
5 v.)
6 AUDREY McNAMARA NEVIS,)
7 WELLS FARGO BANK)
8 SHAI MOSHE)
Counter Defendants)

9 COMES NOW the Counter-Claimant, JOHN B. SPEAR, in the above-entitled action and
10 hereby dismisses, without prejudice, the First Claim for Relief against Counter Defendant
11 AUDREY McNAMARA NEVIS, the Second Claim for Relief against Counter Defendant
12 AUDREY McNAMARA NEVIS, the Third Claim for Relief against Counter Defendant
13 AUDREY McNAMARA, and the Fourth Claim for Relief against Counter Defendant AUDREY
14 McNAMARA. Except as specifically dismissed, the balance of the Counter Claim shall remain
15 as stated.
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17 This dismissal is made pursuant to Rule 41(a) or (c) of the Federal Rules of Civil
18 Procedure.

19 Dated: July 7, 2008

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23 Robert A. Clinco, Attorney for Defendant
24 John B. Spear

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REQUEST FOR DISMISSAL - COUNTER CLAIM

AUDREY McNAMARA NEVIS - only

SERVICE LIST – 6-30-08

NEVIS v. WELLS FARGO 07-cv-02568 – MHP

Ms. Shirley Hochhausen
Community Legal Services
2117-B University Avenue
East Palo Alto, CA 94303

Plaintiff

Ms. Brooke Elizabeth Thacher
Mr. Paul Sitner Cohen
Legal Aid of Marin
30 N. San Pedro Rd., Suite 220
San Rafael, CA 94903

Plaintiff

Mr. Robert F. Kane
Law Office of Robert F. Kane
870 Market Street, Suite 1128
San Francisco, CA 94102

Plaintiff

Mr. David Carlyle Powell
Ms. Heather B. Hoesterey
Reed Smith LLP
Two Embarcadero Center, Suite 2000
San Francisco, CA 94111

Defendant, Wells Fargo Bank

Mr. Lee P. Bardellini
Ms. Helen Powers
Bardellini, Straw & Cavan LLP
2000 Crow Canyon Place, Suite 330
San Ramon, CA 94583

Defendant, Gateway Title

Mr. Daniel Joseph Goulding
Mr. David C. Scott
McCarthy & Holthus, LLP
1770 Fourth Avenue
San Diego, CA 92101

Defendant, Quality Loan

REQUEST FOR DISMISSAL – COUNTER CLAIM

AUDREY McNAMARA NEVIS – only